

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAULINE V. MONTGOMERY,

Plaintiff,

v.

CDCR CORRECTIONS OFFICER, et al.,

Defendants.

No. 1:23-cv-01044-KES-GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

Doc. 15

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 6, 2024, the magistrate judge issued findings and recommendations recommending that the instant action be dismissed as duplicative of Montgomery v. CDCR Corrections Officer, No. 1:23-cv-00439-NODJ-BAM (*Montgomery I*).¹ Doc. 15. The findings and recommendations were served on Plaintiff and contained notice that objections were to be filed within fourteen days. *Id.* at 5. Plaintiff did not file objections and the time to do so has passed.

In accordance with 28 U.S.C. § 636(b)(1), this court has conducted a de novo review of

¹ On March 14, 2024, *Montgomery I* was reassigned to the undersigned and the case number changed to 1:23-cv-00439-KES-BAM.

1 this case. Having carefully reviewed the file, the court concludes that the magistrate judge's
2 findings and recommendations are supported by the record and proper analysis.

3 Accordingly, IT IS HEREBY ORDERED:

4 1. The findings and recommendations issued February 6, 2024, Doc. 15, are ADOPTED
5 IN FULL;

6 2. This matter is DISMISSED as duplicative of Montgomery v. CDCR Corrections
7 Officer, No. 1:23-cv-00439-KES-BAM; and

8 3. The Clerk of Court is directed to close this case.

9
10
11 IT IS SO ORDERED.

12 Dated: July 9, 2024



UNITED STATES DISTRICT JUDGE